



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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David B. Cohen
Mayor

Public Hearing Date: July 15, 2008

Land Use Action Date: TBD

Board of Aldermen Action Date: September 15, 2008

90-Day Expiration: October 13, 2008

DATE: July 11, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner *CH*
Alexandra Ananth, Planner

SUBJECT: #217-08 JULIE DARNELL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to alter the existing contours of land by more than three (3) feet and to construct a garage of more than 700 square feet at an existing single-family dwelling at 25 DRUMLIN ROAD, Ward 8, on land known as Sec 82, Blk 07, Lot 44, containing approximately 77,755 sf of land in a district zoned SINGLE RESIDENCE 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The subject property is a large lot located at 25 Drumlin Road in a Single Residence 1 District. Building Permit #07040144, dated May 7, 2007, authorized the renovation of the existing 1933 Tudor Revival house and a 1,562 square foot addition to the footprint, including an attached garage with living space above. This addition is part of an extensive renovation of the house and grounds, which has been initiated and is currently underway. The petitioner has a separate building permit (#07080628, dated August 23, 2007) to replace the pool in the back yard with a new pool in a different location.

Since the issuance of building permits the petitioner has decided to petition the Board of Aldermen for a special permit to alter the grade by more than three (3) feet in four separate areas of the site in order to better access the attached garage and create usable garden spaces around the house. The Zoning Review Memorandum noted a garage in excess of 700 square feet and the need for an additional special permit. ***More recent information from the architect indicates interior partitions for storage within the garage area bringing the actual garage area under the 700 square foot threshold and therefore eliminating the need for such additional special permit relief.***

Although the Planning Department is concerned that the petitioner is disrupting large portions of the site and has removed a significant number of trees, areas proposed for re-grading in excess of three feet are for the most part interior to the site. As long as drainage and runoff are contained on site, the proposed re-grading should have little impact on abutters.



Existing house at 25 Drumlin Rd.



New addition at 25 Drumlin Rd.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition the Board should consider whether the alterations of the grade by more than three (3) feet at various locations on the lot will have adverse impacts on immediate abutters.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located south of Route 9 and off of Dudley Road. The lot is within a large neighborhood zoned Single Residence 1 and abuts a Single Residence 2 district along the rear property line. The surrounding neighborhood is comprised of single-family dwellings, most of which were constructed around the 1950s. Architectural styles in the neighborhood vary and the subject property appears to be one of the older houses. The lots on

Cynthia Road (neighborhood to the west or rear of the subject property) contain many split-level and ranch-style homes.

B. Site

The 77,755 sq.ft. subject property is significantly larger than surrounding lots and as an “old lot,” has the minimum lot area and frontage requirements to create two by-right single-family lots. Currently there is a two-story Tudor Revival-style residence centered on the lot that the petitioner is renovating and expanding with a two-story addition to include an attached garage with living space above.

The site slopes considerably to the rear towards the residences on Cynthia Road. The lot appears to have been fairly wooded and current plans indicate the petitioner already has removed 78 trees from the site and plans to remove an additional 31 trees. There are still many significant trees located around the perimeter of the lot.

III. PROJECT REVIEW

A. Land Use. The site has been used as a single-family residence and the petitioner is not proposing to change the use in any way.

B. Grading. The petitioner is regrading the majority of the lot and proposes to alter the grade in excess of three feet in four separate areas to better access the new garage addition and to increase useable yard area.

Area 1 is in front of the house and the petitioner is proposing to fill a 752 sq.ft. area with 109 cubic yards of fill and a maximum grade change of 5 feet. This area of fill will help level the area between the existing house and the proposed driveway.

Area 2 is a 3,250 sq.ft. area to the rear of the garage where the petitioner is proposing to fill with 594 cubic yards for a maximum grade change of 8.5 ft. Filling this area will help the petitioner establish a rolling lawn area behind the house and cover a gravel driveway.

Area 3 is the most extensive of the alterations; 852 cubic yards will fill 5735 sq.ft. to the left of the residence with and create a grade change of 5 feet. This area will support a lawn path leading from an existing terrace to the pool and rear yard.

Area 4 consists of a 44 sq.ft. cut behind the house in between two sets of stairs leading down to the pool.

Although the Planning Department is concerned that the petitioner is altering the lot extensively throughout the site and is removing many trees, the

petitioner is tying proposed grades into existing grades at the property lines. Except for a portion of the grounds in front of the garage that will be retained with a new wall, the changes result in a more gentle slope to much of the site without the use of extensive retaining walls.

- C. Landscaping and Tree Removal The Existing Conditions Plan indicates that a total of 78 trees have been removed, an additional 31 trees will be removed, and 65 trees will remain. The plan does not specify the caliper inches to be removed, as ***the City's Tree Preservation Ordinance does not apply to this site.*** However, the petitioner signed a Certificate of Exemption form and noted removal of 109 trees totaling 1309 diameter inches. The petitioner submitted an extensive landscape plan and plant list that includes approximately 110 trees. Plans include a significant number of evergreens to be added to the perimeter of the site as well as flowering and specimen trees located throughout the lot. *NOTE: Not all of the trees called for on the plan are listed in the plant list and the petitioner should submit a revised plan prior to being scheduled for working session.*

IV. TECHNICAL REVIEW

A. Technical Considerations –Dimensional Controls

The following table sets forth the applicable dimensional controls for residences located in the SR-1 zone:

SR1 (Old Lot)	Required	Existing	Proposed
Lot Area	15,000 sq. ft.	77,755 sq. ft.	77,755 sq. ft.
Frontage	100 ft.	220 ft.	220 ft.
Setbacks			
Front	25 ft.	71.6 ft.	71.6 ft.
Side	12.5 ft.	~68 ft.	36.6 ft.
Rear	25 ft.	~183 ft.	157.4 ft.
Total Floor Area Ratio	.25	~.08	~.12
Building Height	30 ft.	25 ft.	24 ft.
Max. Number of Stories	2.5	2	2
Max. building lot coverage	20%	4.4%	6.6%
Min. amount of open space	65%	~80%	78.8%
Garage	< 700 sq. ft.	NA	660

The single-family dwelling conforms to all dimensional controls and parking requirements established for a single-family residence in a Single Residence 1 District.

- B. Engineering Review. The Associate City Engineer noted that an on-site drainage system is proposed and recommends an Operations and Maintenance plan for Stormwater Management be submitted for review, approval, and recording with the Registry of Deeds. The Associate City Engineer also noted

that the plans should clarify the type of edging/infill to be used in the area between the garage down to the back yard and be stamped by a registered professional engineer.

V. ZONING RELIEF SOUGHT

Based on the completed zoning review, dated June 9, 2008 (*SEE ATTACHMENT "A"*), the petitioner is seeking approval through or relief from:

- Section 30-5(b)(4), which allows the Board to grant approval to alter the existing contours by more than three (3) feet;
- Section 30-23 for Site Plan approval, including landscaping; and
- Section 30-24(d) for approval of a Special Permit for grade change.

As noted earlier, the petitioner does not need to seek relief for a garage in excess of 700 square feet.

VI. PETITIONER'S RESPONSIBILITIES

Prior to the working session, the petitioner should submit a revised site plan showing proposed site materials and a revised landscape plan with all proposed plants identified on the plant list.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum, June 9, 2008


ATTACHMENT B: Land Use Map

ATTACHMENT C: Zoning Map

ATTACHMENT D: Memorandum from Associate City Engineer, dated July 3, 2008

Zoning Review Memorandum

To: Dan K. Gordon Associates on behalf of Chris and Julie Darnell

From: Candace Havens, Chief Planner
Alexandra Ananth, Planner 

Date: June 9, 2008

Cc: John Lojek, Commissioner of Inspectional Services
Michael Kruse, Director of Planning and Development
Ouida Young, Associate City Solicitor

Re: Zoning review of proposed grade change in excess of 3 feet, garage of more than 700 square feet

Applicant: Dan K. Gordon Associates on behalf of Chris and Julie Darnell

Site: 25 Drumlin Rd	SBL: Section 82, Block 07, Lot 044
Zoning: SR 1	Lot Area: 77,755 sq. ft.
Current use: Single-family residence	Prop. use: Single-family residence

The following review is based on statements and plans prepared and submitted to the Planning Department by the applicant and/or their agent(s).

Background

The subject property is a large lot located at 25 Drumlin Road. Building Permit #07040144, dated May 7, 2007, authorized the renovation of the existing 1931 Tudor house and a 1,562 square foot addition to the footprint, including a garage. This addition is part of an extensive renovation of the house and grounds, which has been initiated and is currently underway. The applicant has a separate building permit (#07080628, dated August 23, 2007) to replace the pool in the back yard with a smaller pool.

Since the issuance of building permits the applicant has decided to petition the Board to alter the grade more than three feet in four separate areas of the site in order to better access the attached garage and create usable garden spaces around the house. *This necessitates a special permit/site plan approval from the Board of Aldermen to authorize changes to the grade in excess of three feet per Section 30-5(b)(4). A review of the plans also noted a 970 square foot garage for which the applicant will also need a special permit per section 30-8(b)(7).*

At the time of filing for a special permit the applicant should submit a signed copy of a Certificate of Exemption pertaining to the Tree Preservation Ordinance or submit a copy of an approved Tree Removal Permit.

Records indicate the prior single-family structure at this site was subject to Historical Commission review. The Commission resolved to waive the one-year demolition delay based on plans submitted.

As the residence and all other aspects of the site have been permitted, a detailed analysis of the Density and Dimensional Controls has not been undertaken in this memorandum and it is assumed that the proposed residence with addition meets all residential use requirements.

Summary of Zoning Relief Needed

The applicant will need to seek relief from or approvals through the following sections of the Newton Zoning Ordinances:

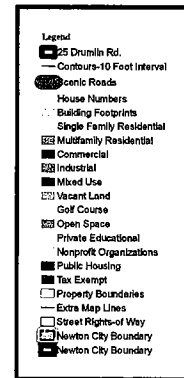
- *Section 30-5(b)(4) for approval to alter existing contours by more than three feet;*
- *Section 30-8(b)(7) for approval of a garage of more than 700 square feet;*
- *Section 30-23 – for approval of site plan including landscape plan; and*
- *Section 30-24 – for a special permit approving proposed grade changes.*

An electronic copy of plans must be submitted to the Planning Department at the time of filing for a special permit.

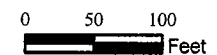
Plans and Materials Reviewed:

- Existing Conditions Plan, dated May 20, 200, showing trees to remain, trees already removed, and trees to be removed, stamped and signed by Dan K. Gordon, Registered Landscape Architect.
- Grading Plan, consisting of two sheets, dated May 20, 2008, stamped and signed by Dan K. Gordon, Registered Landscape Architect.
- Grading Sections, dated May 20, 2008, stamped and signed by Dan K. Gordon, Registered Landscape Architect.
- Drawing A-1.1, Schematic Design First Floor Plan, dated July 27, 2007, and revised 1/24/08, not stamped or signed.

25 Drumlin Rd.



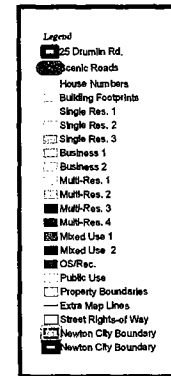
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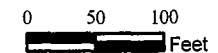
MAP DATE: July 01, 2008

25 Drumlin Rd.

25 Drumlin Rd.



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MAP DATE: July 07, 2008

ATTACHMENT C

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 25 Drumlin Road

Date: July 3, 2008

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Alexandra Ananth, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*25 Drumlin Road
Grading Plan
Newton, MA
Prepared by: Dan Gordon Inc.
Dated: May 20, 2008*

The plans submitted have not been stamped by a Registered Professional Engineer.

Drainage:

1. The by-right Building Permit had a drainage system designed by Meridian Associates; the calculations were correct for the City's 100-year storm event. However, an Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be submitted for review approval. If acceptable, it needs to be incorporated into the deed; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the homeowner.

3' Grade Change:

1. The areas delineated as fill in excess of three -feet are correctly identified. The proposed change in grades should not impact any abutter as long as the site is stabilized during construction and properly landscaped and maintained.
2. Clarification is needed of the surface material for the graded area from the garage down to the backyard, the area has two edges that appear to be some sort of edging with an infill yet the material is not specified.

Water & Sewer:

- These services were updated based on the by right Building Permit approval dated May 4, 2008.

General:

1. All tree removal shall comply with the City's Tree Ordinance.
2. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
3. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
4. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.